

REMARKS

Claims 1-26 are pending in the above-identified application. Claims 18-26 have been withdrawn from consideration as being directed to non-elected inventions. In the Office Action of August 26, 2003, the Examiner made the following dispositions:

- 1.-2.) Acknowledged Applicants' election of Group I, claims 1-17.
- 3.) Acknowledged receipt of papers submitted.
- 4.) Objected to Drawings.
- 5.-6.) Objected to the Specification.
- 7.) Objected to Claims 5, 9, and 14-17.
- 8.-9.) Rejected Claims 4, 6-9, 11, 14, 15, and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject.
- 10.-11.) Rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by *Delnick*.
- 12.) Rejected Claims 1 and 5 under 35 U.S.C. §102(b) as being anticipated by *Fauteux et al.*
- 13.) Rejected Claims 1, 5, 12-14, and 16 under 35 U.S.C. §102(b) as being anticipated by *McAleavey*.
- 14.) Rejected Claims 1, 5, 8, and 12-17 under 35 U.S.C. §102(a) as being anticipated by the IPDL JPO Machine Translation for JP 2000-251920 A.
- 15.) Rejected Claims 1, 5, and 12-17 under 35 U.S.C. §102(a) as being anticipated by the IPDL JPO Machine Translation for JP 2000-268870 A.
- 16.-17.) Rejected Claims 2, 3, 11, and 17 under 35 U.S.C. §103(a) as being unpatentable over *Fauteux et al.* in view of *Yamashita et al.*
- 18.) Rejected Claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Fauteux et al.* in view of *Yamashita et al.*

- 19.) Rejected Claim 15 under 35 U.S.C. §103(a) as being unpatentable over *McAleavey* in view of *Taniuchi et al.*
- 20.-21.) Provisionally rejected claims 1-4, and 8-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-8, and 10-16 which are copending in Application No. 09/811,898.
- 22.) Objected to claims 6 and 7 as being dependent upon a rejected base claim.

Applicants address the Examiner's dispositions below. Though we do not necessarily agree with the Examiner's rejections, claims 1-5 have been canceled without prejudice to expedite allowance. We preserve Applicants' right to pursue the subject matter of the canceled claims in subsequent applications.

1.-2.) Applicants' Election:

Applicants thank the Examiner for acknowledging Applicants' election without traverse of claims 1-17 and the polyvinylidene fluoride species in Paper No. 7.

3.) Priority:

Applicants thank the Examiner for acknowledging priority of papers submitted under 35 U.S.C. §119(a)-(d).

4.) Objection to Drawings:

The Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(5). Applicants have amended the specification as per the Examiner's request. Accordingly, Applicants respectfully submit the objection has been overcome and request that it be withdrawn.

5.) Objection to the Specification:

As per the Examiner's request, Applicants have amended the specification. No new matter has been added. Accordingly, Applicants respectfully submit the objection has been overcome and request that it be withdrawn.

6.) Objection to the Specification:

The Examiner objected to the specification for failing to provide proper antecedent basis for the limitation in claim 11, "wherein after the electrolyte is delivered and dried, the electrolyte layers are formed on an electrode face; and comprises a step of rolling the electrode face with a plastic film". Applicants respectfully disagree. Proper antecedent basis for the above-mentioned limitation can be found on pg. 18, lines 14-21.

--In connection with this, in the vicinity of the winding rollers 53 and 72 of the both coating machines are shown in Figs. 5 and 7, driers 54 for drying the applied electrolyte are disposed. In Fig. 7, the dryer 54 is unillustrated. The formed electrolyte layers are conveyed to a position corresponding to the dryer 54, and the electrolyte dries. After this, the electrolyte layers 23 and the belt-shaped positive electrode 21a are covered with an unillustrated plastic film made of propylene together, and rolled by the winding rollers 53 and 72.--

Accordingly, Applicants respectfully submit the objection has been overcome and request that the objection be withdrawn.

7.) Objection to Claims 5, 9, and 14-17:

Claims 9 and 14-17 have been amended as per the Examiner's request to overcome the rejection. Claim 5 has been canceled. Accordingly, Applicants respectfully submit the objection has been overcome and request that it be withdrawn.

8.-9.) Rejection of Claims 4, 6-9, 11, 14, 15, 17, and their respective dependent Claims under 35 U.S.C. §112, First Paragraph:

Claims 4, 6-9, 11, 14, 15, and 17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 6-9, 11, 14, 15, and 17 have been amended as per the Examiner's request to overcome the rejection. Claim 4 has been canceled. Thus, Applicants respectfully submit the rejection has been overcome and request that it be withdrawn in regard to claims 6-9, 11, 14, 15, and 17.

Because claims 10, 12, 13, and 16 depend directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it also be withdrawn in

regard to claims 10, 12, 13, and 16 because the independent claim that they depend off is allowable.

10.-12.) Rejection of Claim 1 under 35 U.S.C. §102(b) as being Anticipated by *Delnick* and Rejection of Claims 1 and 5 under 35 U.S.C. §102(b) as being Anticipated by *Fauteux*:

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by *Delnick* and claims 1 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by *Fauteux*. Claims 1-5 have been canceled, and thus the rejections are moot.

13.) Rejection of Claims 1, 5, 12-14, and 16 under 35 U.S.C. §102(b) as being Anticipated by *McAleavey*:

Claims 1, 5, 12-14, and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by *McAleavey*. Claims 1 and 5 have been canceled. In the Office Action, the Examiner objected to claim 6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to be in independent form and to include all of the limitations of the base claim and any intervening claims. Claims 12-14 and 16 have been amended to depend off of claim 6. Because claims 12-14 and 16 depend directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it be withdrawn in regard to claims 12-14 and 16 because the independent claim that they depend off of is allowable.

14.) Rejection of Claims 1, 5, 8, and 12-17 under 35 U.S.C. §102(a) as being Anticipated by IPDL JPO Machine Translation for JP 2000-251920 A:

Claims 1, 5, 8, and 12-17 were rejected under 35 U.S.C. §102(a) as being anticipated by IPDL JPO Machine Translation for JP 2000-251920 A. Claims 1 and 5 have been canceled. In the Office Action, the Examiner objected to claims 6 and 7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to be in independent form and to include all of the limitations of the base claim and any intervening

claims. Claims 12-14 and 16 have been amended to depend off of claim 6. Because claims 8 and 12-17 depend directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it be withdrawn in regard to claims 8 and 12-17 because the independent claim that they depend off of is allowable.

15.) Rejection of Claims 1, 5 and 12-17 under 35 U.S.C. §102(a) as being Anticipated by IPDL JPO Machine Translation for JP 2000-268870 A:

Claims 1, 5, and 12-17 were rejected under 35 U.S.C. §102(a) as being anticipated by IPDL JPO Machine Translation for JP 2000-268870 A. Claims 1 and 5 have been canceled. In the Office Action, the Examiner objected to claims 6 and 7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to be in independent form and to include all of the limitations of the base claim and any intervening claims. Claims 12-17 have been amended to depend off of claim 6. Because claims 12-17 depend directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it be withdrawn in regard to claims 12-17 because the independent claim that they depend off of is allowable.

16.-17.) Rejected Claims 2, 3, 11, and 17 under 35 U.S.C. §103(a) as being Unpatentable over *Fauteux et al.* in view of *Yamashita et al.*:

Claims 2, 3, 11, and 17 were rejected under U.S.C. §103(a) for being unpatentable over *Fauteux* in view of *Yamashita*. Claims 2 and 3 have been canceled. In the Office Action, the Examiner objected to claims 6 and 7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to be in independent form and to include all of the limitations of the base claim and any intervening claims. Claims 11 and 17 have been amended to depend off of claim 6. Because claims 11 and 17 depend directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it be withdrawn in regard to claims 11 and 17 because the independent claim that they depend off of is allowable.

18.) Rejected Claim 4 under 35 U.S.C. §103(a) as being Unpatentable over *Fauteux et al.* in view of *Yamashita et al.* and in further view of *Fukumura et. al.*:

Claim 4 was rejected under 35 U.S.C. §103(a) as being anticipated by *Fauteux* in view of *Yamashita* and in further view of *Fukumura*. Claim 4 has been canceled, and thus the rejection is moot.

19.) Rejected Claim 15 under 35 U.S.C. §103(a) as being Unpatentable over *McAleavey* in view of *Taniuchi*:

Claim 15 was rejected under U.S.C. §103(a) for being unpatentable over *McAleavey* in view of *Taniuchi*. In the Office Action, the Examiner objected to claims 6 and 7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to be in independent form and to include all of the limitations of the base claim and any intervening claims. Claim 15 has been amended to depend off of claim 6. Because claim 15 depends directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it be withdrawn in regard to claim 15 because the independent claim that it depends off of is allowable.

20.-21.) Provisionally Rejected Claims 1-4 and 8-16 under the Doctrine of Obviousness-Type Double Patenting:

Claims 1-4 and 8-16 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5-8 and 10-16 of copending Application No. 09/811,898. Claims 1-4 have been canceled. In the Office Action, the Examiner objected to claims 6 and 7 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 has been amended to be in independent form and to include all of the limitations of the base claim and any intervening claims. Claims 8-16 have been amended to depend off of claim 6. Because claims 8-16 depend directly or indirectly from claim 6, Applicants respectfully submit that the rejection has been overcome and request that it be withdrawn in regards to claim 8-16 because the independent claim that it depends off of is allowable.

It is believed that claims 6-17 are patentably distinct from claims 5-8 and 10-16 of copending Application No. 09/811,898. However, Applicants reserve the right to file a terminal disclaimer should the claims again be rejected on this ground.

22.) Objected to Claims 6 and 7 as being Dependent upon a Rejected Base Claim:

Claims 6 and 7 were objected to as being dependent upon a rejected base but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 6 and 7 per the Examiner's request. Accordingly, Applicants respectfully submit the objection has been overcome and request that it be withdrawn

CONCLUSION

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

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